

**REMARKS**

This response is intended as a full and complete response to the Office Action dated April 18, 2006. In view of the following amendment and discussion, the Applicants believe that all claims are in allowable form.

**ELECTION/RESTRICTION**

The Applicants acknowledge the restriction of claims 8-20. Claims 8-20 are withdrawn without prejudice. The Applicants reserve the right to file divisional/continuation applications to prosecute the non-elected subject matter.

**IN THE SPECIFICATION**

The Applicants have amended paragraph [0040] by replacing the reference numeral 604 with the reference numeral 362, as suggested by the Examiner. Accordingly, the Applicants respectfully request the objection withdrawn.

**CLAIM REJECTIONS**

**35 U.S.C. §112      Claim 2**

Claim 2 has been rejected under 35 U.S.C. §112, second paragraph. In response, the Applicants have amended claim 2 by deleting the term "first" before "step" to provide proper antecedent basis. Accordingly, the Applicants respectfully request the rejection withdrawn and claim allowed.

**35 U.S.C. §112      Claim 5**

Claim 5 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Applicants respectfully traverse the rejection.

The Applicants submit that in rejecting a claim under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support, it is incumbent upon the Examiner to establish that the originally-filed disclosure would not have reasonably conveyed to one having ordinary skill in the art that an applicant had possession of the now claimed

subject matter. *Wang Laboratories, Inc v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993). Adequate description under the first paragraph of 35 U.S.C. §112 does not require *literal* support for the claimed invention. *In re Herschler*, 591 F.2d 693, 200 USPQ 711 (CCPA 1979); *In re Edwards*, 568 F.2d 1349, 196 USPQ 465 (CCPA 1978; *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976). Rather, it is sufficient if the originally-filed disclosure would have conveyed to one having ordinary skill in the art that an appellant had possession of the concept of what is claimed. *In re Anderson*, 471 F.2d 1237, 176 USPQ 331 (CCPA 1973).

Here, the Examiner asserts that the specification does not literally and distinctively point out “wherein the outer circumference flares outward towards the substrate support”, as recited in claim 5. However, the lack of literal support for those terms does not in itself establish a *prima facie* case as to matter which was not described in the specification in such a way to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. See *In re Anderson*. Specifically, Figure 3 of the present application illustrates an outer circumference 310 of an annular ring that flares outwards and upwards. As the ring is positioned at the bottom of the chamber, the substrate support is positioned above the ring. Thus, the outer circumference of the ring clearly flares outwards in a direction toward the substrate support. Accordingly, the Applicants respectfully request the rejection withdrawn and claim 5 allowed.

### **35 U.S.C. §102      Claims 1-4 and 21**

Claims 1-4 and 21 stand rejected as being unpatentable over United States Patent No. 6,887,339 issued May 3, 2005 to *Al-Shaikh et al.*, (hereinafter *Al-Shaikh*). In response, the Applicants have amended independent claims 1 and 21 to more clearly recite certain aspects of the invention.

Independent claims 1 and 21 recite elements not taught or suggested by *Al-Shaikh*. *Al-Shaikh* teaches a reversed L-shape collar ring 248 having a lower portion having a bottom side attached to a bottom of a chamber wall 211 and a lateral sidewall attached to a substrate support assembly 240. (Figure 2, Col. 4, Lines 20-30). *Al-Shaikh* does not teach or suggest a substantially annular guard ring positioned within a

step of an aperture, the guard having a portion radially inward and upwards toward a shaft, as recited by claim 1, or a substantially annular guard ring disposed in an aperture formed in a bottom of a chamber, the guard ring having a portion that extends inward and upward into contact with a shaft extending through the aperture to form a seal between the shaft and the bottom of the chamber, as recited by claim 21.

Thus, the Applicants submit that independent claims 1 and 21, and all claims depending therefrom, are patentable over *Al-Shaikh*. Accordingly, the Applicants respectfully request the rejection be withdrawn.

### **35 U.S.C. §103(a)                      Claims 5-6**

Claims 5-6 stand rejected as being unpatentable over *Al-Shaikh* in view of United States Patent No. 5,938,343 issued August 17, 1999 to *Grantz* (hereinafter *Grantz*). The Applicants respectfully disagree.

Independent claims 1 recite elements not taught or suggested by the combination of *Al-Shaikh* and *Grantz*. The teaching of *Al-Shaikh* has been discussed above. *Grantz* teaches a wedge shaped seal used to match a shoulder surface of a rotating shaft. However, *Grantz* fails to teach or suggest a modification to *Al-Shaikh* that would yield a substantially annular guard ring positioned within a step of an aperture, the guard having a portion radially inward and upwards toward a shaft, as recited by claim 1. Thus, a *prima facie* case of obviousness can not be established as the references fail to teach every claimed element.

Thus, the Applicants submit that claims 5-6, depending from independent claim 1, are patentable over the combination of *Al-Shaikh* and *Grantz*. Accordingly, the Applicants respectfully request the rejection be withdrawn.


### **CONCLUSION**

Thus, for at least the reasons discussed above, the Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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